

turn around the customer will consider the hardship that turning around will cause and will seek their needs to be met with something much more accommodating to them. In other words, if you fail to inform potential customers for the Town of Edgewood that their needs can be met by business within the town city limits they will be lost to either Moriarty or Albuquerque. It is vitally important to inform and communicate your services to potential customers before they pass our one and only exit to our town.

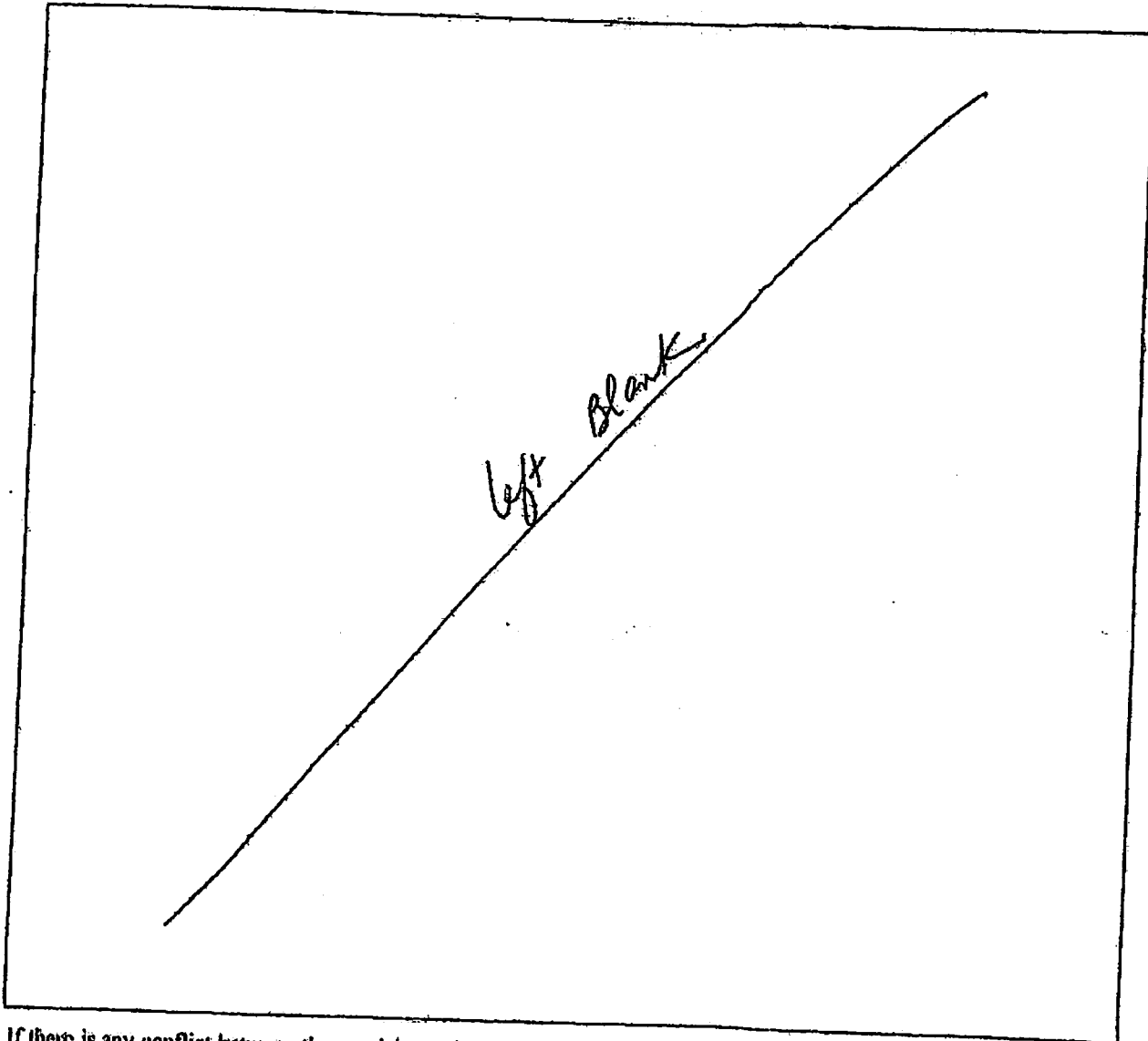
2. Please state why the authorizing of this variance is necessary for the preservation and reasonable enjoyment of substantial property rights. In other words, without you being granted this variance, your property cannot be reasonably used. You will not be granted a variance if your property can be used, even if it is in a manner other than that desired by the owner or applicant.

"Variance 1 & 2" is a vital importance to the project because the size of the lot is too small to accomplish what is needed by the business to be successful without the variances. Shrinking the footprint of the building and moving the building farther back along the lot line are key factors in allowing enough parking to service our customers. "Variance 3" is important to make sure the traveler along I-40 who are looking for overnight accommodation will identify that either the hotel they are looking for or already have reservations to stay is just ahead. If guest pass the exit and do not recognize that Exit 187 is the only exit that serves Edgewood it is our belief they will pass through Edgewood and look for a more convenient option further down the road. Edgewood is at a great disadvantage because they currently only have one exit to enter the town. Most towns have more options if the service is identified and backtracking can be done if desired. For Example: Moriarty has 3 exits to allow this to happen.

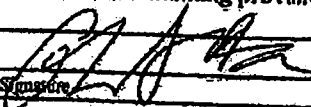

3. Please explain why authorizing this variance application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, or the public welfare in general. A variance that will not be compatible with the surrounding development or will create an adverse impact on other properties cannot be approved.

It is our belief that this property does not impact any residential communities and will only help the other businesses within the proximity of our proposed business. I have been told by so many business owners within the community that a lodging establishment is a key for the town of Edgewood to continue to grow and improve the quality of life for those who have chosen to make Edgewood their home. It is hard to accommodate family and friends within their community when there are no overnight stay options within close proximity to their residence. It is not the hope of our family to distract or take away from the positives that come with living in Edgewood but only increase them. My family has lived within the community pretty much my entire life. We moved into the community in 1978 and I was the first 5th grade class to go to Elementary School at Edgewood Elementary School. I graduated from Moriarty in 1990 and have chosen to raise my family within the community. I understand the "culture" of Edgewood and plan to only add to it and not take it away. It is just vital that these three variances be granted for me to contribute to the wellbeing of my own community.

REALTORS® ASSOCIATION OF NEW MEXICO
AMENDMENT NO. ONE - 2015



If there is any conflict between the provisions of the Agreement and this Amendment, the provisions of this Amendment will control. The remaining provisions of the Agreement will remain in effect.

	<u>8/10/15</u>
Buyer Signature	Date Time
	<u>8/11/15</u>
Seller Signature	Date Time
<u>Jenny Wayland</u>	
Seller Signature	Date Time

D-4

Return to: First American Title Ins. Co. GF#

1750784 1101 Jm

WARRANTY DEED

e-Recorded 1691876 12/27/12 SFC

EXPRESS DEVELOPMENT LTD CO, a New Mexico limited liability company (the "Grantor"), for consideration received, hereby grants to **WASHINGTON FEDERAL**, a federal savings association (the "Grantee"), whose address is 425 Pike Street, Seattle, Washington 98101, the real estate in Bernalillo County, New Mexico, described in Exhibit A attached hereto (the "Property");

SUBJECT TO: patent reservations and restrictions, easements, covenants and other restrictions of record, and real property taxes for the year 2012 and thereafter,

WITH warranty covenants.

WITNESS the signature of the Grantor on this 7th day of December, 2012.

EXPRESS DEVELOPMENT LTD CO, a
New Mexico limited liability company

By: **McCall Family Limited Partnership**,
sole member

By: **McCall Family Limited, Inc.**,
general partner

By: Howard E. McCall
Howard E. McCall,
President



COUNTY OF SANTA FE } STATE OF NEW MEXICO } ss	WARRANTY DEED PAGES: 3
I Hereby Certify That This Instrument Was Filed for Record On The 27TH Day Of December, A.D., 2012 at 09:18:15 AM And Was Duly Recorded as Instrument # 1691876 Of The Records Of Santa Fe County	
Witness My Hand And Seal Of Office Valerie Espinoza Deputy - COMONTOYA County Clerk, Santa Fe, NM	

Warranty Deed - Commercial Lots

EXHIBIT A**PROPERTY DESCRIPTION**

Lots 18-R, 19-R, 24-R-1 and 25-R-1, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, New Mexico.

Warranty Deed – Commercial Lots

sign face and height above grade thirty-six (36) feet.”) The applicant is requesting a variance in which the sign would stand seventy (70) feet tall, and have a Face Size of 244.062 square feet.

The specific variance from the Sign Ordinance are Pylon Sign #3 is placement off the subject property closer to the entrance of the cul-de-sac on the private property directly south of the subject property. Erection of this sign will require an agreement between the applicant and owner of the private property. It is staff's opinion that this sign does not require a variance for placement at an intersection per Section 3. B., as the sign is well away from the intersection and bounds only Marietta Court. The sign otherwise meets the requirements of Section 4. C.

Building Sign #1 is proposed to be 36.29 square feet and meets the requirements of the Sign Ordinance Section 4. D. c.

All signs will be lighted internally.

APPLICATION EXHIBITS

- A) Application Form and Narrative for Variances from Zoning Ordinance 2014-02, as amended February 4, 2015 and Sign Ordinance 2009-02.
- B) Two (2) pages from existing forms including “Variance Application Procedures” and “Documentation For Filing”
- C) Town of Edgewood Receipt for Fees
- D) Amendment (Assignment) #1 to Purchase Agreement/Purchase Agreement/Current Warranty Deed
- E) Page L39 Southern Santa County Area Atlas
- F) Reduction of Town of Edgewood Zone Map Showing Subject and Surrounding Property Zoning
- G) Santa Fe County Assessor Website Information
- H) Site Plan Drawing
- I) Site Plan Drawing Super-Imposed on Picture of Surrounding Area
- J) Building Elevation Drawing
- K) Building Elevation Drawing (Small)
- L) Sign Location Map/Schematic Drawing of Sign #1/Drawing and Elevation of Signs #2 & 3
- M) Staff Report
- N) Google Map
- O) Comfort Inn Hotel Picture Sample
- P) Letter from Surrounding Land Owner
- Q) Comprehensive Land Use Plan for the Town of Edgewood, Section V, Action Plans Recommended, 17) Economic Development Strategies, Page 74

At the regular Planning and Zoning Commission meeting on September 1, 2015, the Commission moved, and approved the motion, to hold a second Public Hearing concerning the variance case on September 22, 2015 at 6:00PM. This was done due to improper noticing of the August 18, 2015 Public Hearing by staff.

PROJECT DESCRIPTION

The proposal requests variances deemed necessary by the applicant to build a 72 room hotel that is economically feasible on two (2) lots located at 6 and 8 Marietta Court off of Route 66, and adjacent to Interstate 40. 6 Marietta Court, Edgewood, NM 87015, Lot 19R, is 0.960 acres, and 8 Marietta Court, Edgewood, NM 87015, Lot 18R, is 0.940 acres for a combined acreage of approximately 1.900 acres.

The hotel is proposed to be 4 stories high, include 72 rooms, 87 parking stalls, and 5 Recreational Vehicle\Trailer Stalls. Amenities will include a swimming pool and breakfast area.

The building is currently proposed to be fifty-five (55) feet eleven and one half (11-1/2) inches high, requiring a variance from the thirty-six (36) foot height requirement in Section 22. D. 4. of the Town of Edgewood Zoning Ordinance 2009-02, as amended 02/04/15. The applicant is requesting a variance to sixty (60) feet.

The building is also projected to have a rear setback of between twelve (12) and thirteen (13) feet. The district standard for a rear setback is fifteen (15) feet, requiring a variance from Section 22. D. 2. b. of the Town of Edgewood Zoning Ordinance 2014-02, as amended 02/04/15. The Santa Fe County Fire Department has expressed some concern about access to windows on the rear side of the building, but this concern would have been expressed regardless of the status of the requested variance. The applicant has expressed a commitment to work with the Fire Department to satisfy their concern regarding access to the rear of the building.

The sign variances requested are due to business and customer directional concerns. The applicant has stressed the importance of getting the customers to the proposed hotel, without the customers missing the single Edgewood Interstate exit. The seventy (70) foot sign requiring a variance is similar to high pylon business signs existing in Moriarty, New Mexico. The off-premise sign is similar to the "Dollar Tree" sign that exists on a property adjacent to proposed hotel development.

STAFF ANALYSIS

- 1) Staff performed a review of the application, submitted materials, and applicable ordinances.
- 2) Variances were deemed to be required for the building and signage.
- 3) The applicant stated that variances for the building height and setback were necessary due to the economics of the proposed hotel and size of the lot.